

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MACK TRUCKS, INC. : CIVIL ACTION  
v. :  
BORGWARNER TURBO SYSTEMS, INC. : NO. 08-2621

ORDER

AND NOW, this 22nd day of March, 2011, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motion of defendant BorgWarner Turbo Systems, Inc. for summary judgment as to Counts I and II of the complaint of Mack Trucks, Inc. is GRANTED in part and DENIED in part as follows:

(a) the motion of BorgWarner Turbo Systems, Inc. for summary judgment is GRANTED on Counts I and II of the complaint to the extent Mack Trucks, Inc. seeks to recover damages under any warranty for defectively designed turbochargers manufactured by BorgWarner; and

(b) the motion of BorgWarner Turbo Systems, Inc. for summary judgment is DENIED on Counts I and II in all other respects;

(2) the motion of defendant BorgWarner Turbo Systems, Inc. for summary judgment is GRANTED as to Count III of the complaint; and

(3) the request of Mack Trucks, Inc. for additional time to conduct discovery before the court rules on the motion of BorgWarner Turbo Systems, Inc. is DENIED.

BY THE COURT:

/s/ Harvey Bartle III

C.J.